Input by civil society to the 2021 EASO Asylum Report

Dear Colleagues,

The production of the *EASO Asylum Report 2021* is currently underway. The annual Asylum Report series present a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policy or practice in 2020 (and early 2021) by topic as presented in the online survey.

Please note that the EASO Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2021 contributions will be published on the EASO webpage. Contributions to the 2020 EASO Asylum Report by civil society organisations can be accessed here, under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the EASO Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EASO's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

Nina Gregori -*EASO Executive Director*

*Please complete the online survey and submit your contribution to the 2021 EASO Asylum Report by **Thursday, 25 February 2021**.*

Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- ✓ New developments and improvements in 2020 and new or remaining challenges; and
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2020.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments

Contributions by topic

1. Access to territory and access to asylum procedures (including first arrival to territory and registration, arrival at the border, application of the non-refoulement principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

Access to territory and access to asylum procedures at the land borders of Evros

HumanRights360 has identified that, since the incidents of the 28th of February 2020, judicial authorities tend to convict newcomers for illegal entry with disproportionately heavy penalties, often without even the possibility of suspension. Some of the heaviest sentences can include more than two years in prison, fines, and even without the possibility of suspending the sentence while pending appeal. Such convictions of newcomers often result in the imprisonment of asylum seekers who have officially registered requests, or verbal declarations of will, for international protection. The imprisonment of such groups for illegal entry is a serious violation of the Geneva Convention. According to Article 31 (1) of the Convention, no State Party can impose criminal penalties on refugees due to illegal entry or stay if they come directly from countries where their life or liberty is threatened. As the Greek law stipulates (par. 1 case c of article 2 of Law 4636/2019) an applicant for international protection is a third-country national, or a stateless person, who declares orally, or through writing, before any Greek authority at the points of entry into the Greek Territory or within it, their request for asylum or subsidiary protection in the country, or in any way asks not to be deported to their country for fear of persecution due to race, religion, nationality, political beliefs or participation in a particular social group. HumanRights360 has

taken on the representation and legal support of two Turkish citizens following their conviction for illegal entrance who are currently facing a severely disproportionate sentence of four years in prison without suspension, and a fine of 10,000 euros each. Despite having requested international protection before the Single Member Criminal Court of Orestiada, their asylum applications did not prevent the Single Member Criminal Court of Orestiada from charging them for illegally entering the country. Furthermore, the Competent Receiving Authorities were not notified, as per art. 65, paragraph 9, of Law 4636/2019, nor were the applicants, according to their statements, referred to the competent authorities. The decision for such conviction highlights the judges' lack of procedural knowledge concerning the asylum process. One of the decisions states:
"In particular, at the above place and time, the accused, a third-country national, namely a Turk, entered Greek territory intentionally illegally and proceeds improperly to the judgment on his asylum request", rejecting it as follows 'The alleged oral argument by the accused that he was pressured by Turkey and that he wishes to live in the safe place of Greece is considered at least insignificant, ungrounded and completely unconvincing, which cannot overturn the complete legal conviction formed by the Court" Contrary to the common practice, it has been noticed throughout the last few weeks of September 2020, that a significant number of people, usually those detained at Police and Border Patrol Departments, did not have to follow the flagrant delicto proceedings, but instead they received a notice for a pending trial for illegal entry within the first 10 days of their arrest and most of them were, finally sentenced to 15 months in prison with suspension and a fine of 3.000 euros. Moreover, for those who still follow the flagrant delicto proceedings, it has been noticed that the sentences are less strict and they usually receive a few months to a couple of years suspended prison sentences with a fine. During the last three (3) months of 2020 the flows in the land border of Evros present a fluctuation. The newcomers at the land border of Evros are coming from various nationalities of high refugee profile and namely Syria, Turkey, Iraq, Iran. According to Ministry' of Migration and Asylum report on the quarter October, November and December 2020 the numbers of newcomers arrived through Evros is 1,030, 689 and 181 respectively. During January 2021 the arrivals remain decreased at the land borders of Evros. According to the information provided by the Medical Examiner P. Pavlidis in 2020 we had 46 dead refugees at Evros region with the main causes of death being drowning, hypothermia and car accidents while in 2021 we already have one dead and one disappearance .The reasons of this reduction in December 2020 are (a) the bad weather conditions, (b) the high weather courses in Evros, (c) the militarization of at the borders, (d) the restrictions both in Greece and Turkey in order to prevent the spread of coronavirus and (e) the uninterrupted testimonies pertaining the push backs in the area . It is to be noted that the fact that persons remain detained at the Border Patrol Departments without being registered renders the data regarding flows vague and confused. More specific and according to the official police announcements, during the last week of October 2020 in the last week of October 2020 the arrivals in the region of Evros reached the number of 251 newcomers and in the first week of November 2020 the number of 286 persons, with main nationalities Turkey and Syria. It is estimated though, that the actual numbers of arrivals are higher taking into consideration that during the last week of October 2020 140 people remained detained in Border Deportation Departments with a capacity of 70 people, while it has been identified that only 20% of the arrests finally reached the Reception and Identification Center of Fylakio, Orestiada in order to undertake the official reception and identification procedures, while the rest were released directly from the Border Deportation Centers. The uninterrupted testimonies concerning push backs, the fluctuation of

the flows and the continuation of Covid-19 outbreak which complicate the referral procedures from the Border Deportation Centers (of which we have only fragmentary data on detainees) to the RIC Fylakio, Orestiada and obstruct the monitoring visits at the Border Deportation Departments from independent authorities under the mandate of ensuring detainees' rights (e.g Ombudsman) has created concerns on whether violent push backs have also functioned as one of the key regulators of flow reduction . Moreover, PROKEKA operation has been suspended since September 2020 and the reconstruction is not expected to be completed before April 2021.

Application of the non-refoulement principle

The systematic violation of the principle of non-refoulment and the position of human's life in dangerous has led the Special Rapporteur on the Human Rights of Migrants to request from civil society organizations input on the illegal practices of push backs and the consequences of these practices on human rights. On February 1, 2021, 6 Organizations, Arsis, Greek Council for Refugees, Hellenic League for Human Rights, HIAS Greece, HumanRights360 and Refugee Support Aegean, submitted a detailed report on illegal practices of pushbacks in Greece to the UN Special Rapporteur on The Human Rights of Migrants. The undersigned civil society organisations have shared their concerns regarding the phenomenon on illegal practices of pushbacks. Illegal refoulements in Greece consist of unlawful returns without respect for formal procedures, including the non-registration of those arrested, the denial of access to asylum procedures, the theft and damage of personal items, abduction, the verbal, psychological and/or physical violence and arbitrary detention. The removals take place more often shortly after the arrival or immediately upon the arrival to the territory, while reports highlight the practice of arbitrary removals of persons that have applied for asylum or even enjoy international protection status in Greece or in another EU country. Moreover, applicants of international protection are transferred from the mainland to Evros borders and unlawfully are expelled to Turkey. The undersigned civil society organisations have noted that Greece has never conducted an effective investigation regarding the numerous allegations, reports, testimonies and criminal complaints on illegal push-backs, neither at the level of the Judicial System nor at the level of Independent Authorities or mechanisms. https://www.humanrights360.org/el/koini-dilosi-6-organoseon-schetika-me-tis-praktikes-ton-paranomon-epanaproothiseon-stin-ellada/?fbclid=IwAR03y5qloOj2DaMY6fmeS1WUQ_dMsL2mzlmOQ9vfDcSSIbXXkulE9gR7_eo https://www.gcr.gr/media/k2/attachments/JOINT_STATEMENT_GR_NGOS.pdf
Over the past years, the instances of illegal expulsions have been escalated. The Greek authorities have failed to investigate the cases, prosecute and convict perpetrators with the use of available legal tools, enabling a culture of impunity and disregard for the rule of law. The official position of State, as highlighted on any occasion, remains that the Greek Police does not conduct and does not participated in push backs and massive illegal returns at Turkey. The latter enhance the deployment of such practices at the borders and contributes to the legalization and normalization of these practices. The culture of impunity at the land borders of Evros underlined another element in perpetrators' behavior and namely their disregarding of possibly legal consequences following their illegal actions. Fady's case incorporates these elements and call for justice for the manifestly unlawful arbitrary detention and expulsion at the borders as an abuse of power by the Greek State and the all risks he faced living as undocumented in Greece. Thus, on 17 Tuesday 2020, GLAN and HumanRights360 filed a complaint with the UN Human Rights Committee on behalf of Fady, a recognized refugee in

the EU, who was subject to an enforced disappearance and repeated summary expulsions by Greek authorities between November 2016 and November 2017. Fady was stripped of his possessions, his document attesting to his residency status in the EU and placed outside the protection of the law. He was placed in a state of precarity and rightlessness for three years until his documents were reissued and he was finally able to return to his home in Germany in November 2019. This initial expulsion to Turkey was reconstructed in the form of a 'situated testimony' by the UK-based investigative group Forensic Architecture. The complaint argues that Greece's unlawful deprivation of Fady's liberty amounts to an enforced disappearance under international law. And it results in further serious violations of basic rights, notably the right to life, the right to liberty, the prohibition against torture, and the right to due process and remedy, as enshrined in the International Covenant on Civil and Political Rights (ICCPR). Despite the official denial from national and a European political leaders, illegal pushbacks in Greece are a harsh reality, that takes place both in the Aegean Sea but also in the land border of Evros. HumanRights360 has established a monitoring system through which it documents incidents of organized pushbacks by police authorities alongside the so-called "commandos" (full-faced, armed men). According to testimonies provided to HumanRights360 from survivors of such illegal pushbacks, the Greek police and commandos had place newcomers into custody, where they confiscated their money, phones, and the rest of their belongings, including sometimes their clothes and shoes. Later on, they had secretly led them towards the river of Evros, put them on boats, and finally pushed them back to Turkey, while having threatened their lives the entire time. It is necessary to flag out that such pushbacks were conducted without previously registering their personal information or giving them the ability to request international protection. The principle of non-refoulement is the cornerstone of the international refugee protection, prohibiting the forced removal of refugees to territories where they are at risk of persecution. It is enshrined in Article 33 of the 1951 Convention Relating to the Status of Refugees and it is a fundamental principle for which no deviation is permitted. The principle of non-refoulement is customary international law, as such, it is binding on all States, including those who are not state parties to the 1951 Convention and/or the 1967 Protocol on the Status of Refugees. According to Article 21 of Law 4636/2019 (Article 21 of Directive 2011/95/EU) the competent authorities are obliged to follow the principle of non-refoulement in accordance with the international obligations of the country. This phenomenon of illegal pushbacks has been escalating, including accusations of already registered asylum seekers experiencing such illegal refoulement. For example, a group of Afghan asylum seekers were all arrested in Igoumenitsa, 700 km away from Evros, and were then driven by a police van to Evros and consequently illegally pushed back to Turkey despite having their asylum application registered and pending by the Asylum Services. Once the illegal pushbacks take place, the newcomers continue to experience threats and violence upon their arrival to Turkey. It has been reported that once pushed back to Turkey, newcomers face threats of being illegally forced to return to their country of origin, often facing serious risks of persecution. Such a chain of persecutions has been documented by two Iranian women, who after pushed back to Turkey, were later on forced to return to Iran, putting their lives in imminent danger. Furthermore, similar accusations have been reported by two Turkish citizens, who after being pushed back to Turkey, were arrested by the authorities, persecuted for political reasons, and sent to prison. Even though the various illegal patterns that take place in Evros may differ from each other, they all share similar characteristics regarding the infliction of violence and the violation of basic human rights. Although push-

backs have been ruled as unlawful under international law, the practice is understood to continue in a methodical and widespread manner along the Evros/Meriç border. The scarcity of evidence and the varying access of witnesses highlighted the necessity for a collaboration Forensic Architecture. In that context, HumanRights360 has partnered with Forensic Architecture in order to undertake an investigation into illegal push-backs of migrants crossing the border from Turkey to Greece through the Evros/Meriç river. The results of this investigation are focused on specific cases, and describe the modus operandi of the institutional bodies carrying out push-backs while raising important questions of responsibility and accountability.

Access to asylum procedures for the population located in mainland:

As regards third country nationals who are located in mainland without having passed through a Reception and Identification Center upon arrival in the country, access to the asylum procedure via skype in order to make an appointment to fully register their asylum applications is very difficult, leaving many persons under the risk of arrest and detention due to the lack of documentation. In fact, there are cases of people trying to connect since last year without any results. Especially during the suspension of the Asylum Service in the spring of 2020 due to Covid-19 pandemic, the lines via skype did not work. Moreover, the available communication hours and days, especially for certain languages, are very limited and are available only in Greek in the official website of the Ministry of Migration and Asylum[1]. For example, the communication hours in Dari / Farsi concerning Afghans and Iranians are only 1 hour per week and also concern the population in the region of Attica and Patras. Thus, given the hundreds of calls made at the same time at this particular time, connecting to the Asylum Service becomes almost impossible. In addition, the Asylum Service schedule for skype changes frequently, resulting in confusion for people. Furthermore, another major practical difficulty is that many people do not have constant access to internet.

2. Access to information and legal assistance (including counselling and representation)

Access to information:

A particularly positive development towards more valid and timely information for asylum seekers and refugees during the reporting period was the creation of a central website for all the Services of the Ministry of Migration & Asylum, including the Asylum Service. This website gave the possibility to the asylum seekers and/or recognized refugees and their lawyers to communicate electronically with the Asylum Service and send online applications for a variety of procedural matters. However, while the use of this e-platform completely replaced the in-person presence at the Asylum Services for certain procedural issues, the online services provided were ineffective and did not actually serve the communication of asylum seekers or refugees and their lawyers with the

[1] https://migration.gov.gr/wp-content/uploads/2020/11/skype_program-%CE%B1%CF%80%CF%8C-2-11-2020.pdf

Asylum Service. In many cases, in fact, the possibility of contacting the Asylum service became essentially impossible.

Main problems:
- Some online applications were provided in limited languages or only in Greek.
- Lack of instructions for users resulting in confusion about the information that must be completed to each application.
- Failure to provide a protocol number to the applicants after the submission of the applications, which left them unable to prove that they have indeed submitted the application, but also to follow its progress.
- After submitting the application for self-registration, the applicants were not provided by the Asylum Service with a specific appointment, even after several months, in order to receive an Asylum Seeker's Card in time.
- Non-uniform application of procedures by the Regional Asylum Services. In particular, some Offices requested only the completion of online applications, while others requested also the sending of a direct email to the Asylum Office, creating confusion among applicants.
- Untimely or no response to requests for legal assistance at the appeal stage.

Also, after the complete reform of the international protection system in Greece[2], which brought radical changes in the asylum procedure, the asylum seekers' obligations and the deadlines for administrative actions, no official and systematic information was provided to the asylum seekers by the State Services. This gap has occasionally been filled following initiatives by NGOs or other civil society actors to provide information to asylum seekers on changes in legislation, however in many cases there was no timely and valid access to information, resulting in particularly intense feelings of insecurity and confusion to asylum seekers. To this regard, HumnaRights360, in cooperation with other NGOs, took the initiative to organize legal sessions in many languages to the camp of Eleonas and Skaramagkas, as well as to other places.

Access to legal assistance:

Access to legal assistance from NGOs was quite limited during the reporting period. Apart from the lack of information as described above, which intensified feelings of uncertainty and insecurity among asylum seekers, the new Law required strict compliance with the asylum procedures, having immediate consequences in different case, but at the same time there was not a functional and effective system by the Asylum Service, according to which each asylum seeker could receive timely information on the progress of his case and proceed to the required each time actions in compliance with the provisions of the law. This situation undoubtedly led to a significant increase on the requests for legal counselling and assistanse.
Furthermore, another reason contributed to the increase in legal aid requests was that the new law required the preparation of the appeal by a lawyer[3], in combination with the short deadlines for their submission. And while the law explicitly provides for the provision of free legal aid in the second degree[4], the operation of the Registy of Lawyers of the Asylum Service was not smooth, while throughout the year the availability of lawyers in relation to the demands was completely disproportionate. As a result, the Asylum Service in many cases was not able to assign the appeals in time and in many cases the interested person

[2] L. 4636/2019 & L. 4686/2020
[3] Art 93, L. 4636/2019
[4] Art 71, par. 3, L. 4636/2019

missed the deadline. In some cases, the Asylum Service encouraged asylum seekers to file an appeal on their own, sending an email in their language requesting that they file an appeal. The Appeals Authorities have considered some of these appeals admissible and proceeded to their examination. As expected, this situation has led NGOs providing legal aid to a huge workload, without often being able to respond effectively to the volume of requests as well to the very strict deadlines. At the same time, it created great confusion to the interested person who had applied for free State legal aid but were not provided with any and addressed their requests at the NGOs only few days before the expiration of the deadline.
HumanRights360 is also engaging in legal advocacy and strategic litigation before both domestic Greek authorities as well as European and international bodies. It has been a challenge to successfully seek redress for illegal forcible returns (push backs) before Greek courts. A common pattern of these illegal acts is that Greek border forces involved in illegal pushbacks routinely strip and confiscate the legal documents and belongings of the victims of such acts. Thus, a key obstacle to access to justice faced by victims of pushbacks who manage to re- enter Greece is the high risk of arrest of persons without legal documentation who come to testify before the Police or Judicial authorities. Furthermore, victims of pushbacks who manage to re-enter Greece face the risk of undermining their ability to proceed with the asylum procedures following an involvement in legal proceedings. As recounted in FA's individual complaint against Greece to the UN Human Rights Committee, in preparation in partnership with the Global Legal Action Network (GLAN), the remedies available to FA and others in his situation under Greek law are either ineffective or too prolonged and burdensome to constitute an effective remedies for the grave and prolonged violations of Greece's serious violations of the International Convention on Civil and Political Rights (ICCPR). FA's arbitrary detention and initial expulsion from Greece in November 2016 by the Greek police accompanied by German-speaking officers is also one of the cases reconstructed by the University of London-based investigative group Forensic Architecture.

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

The European and national procedures have continuously failed to facilitate family reunification, to take into consideration prospects for integration, and finally to share the responsibility for the protection and assistance of asylum- seekers and refugees across the EU fairly. During the reporting period, amidst the COVID-19 outbreak and the border crisis, a tendency of easily rejected family reunification requests by many European countries has been noticed. As each country creates

individual informal criteria for accepting or rejecting a family reunification request from a UASC in Greece, it is often that rejections take place for insignificant or minor reasons. For example, Germany requires original family booklets as proof of blood relationship and does not accept the relatives' passports. Furthermore, Belgium no longer accept the Afghan Identity cards (Tazkera) as a proof of age and asks for an age assessment. Finally, Spain requires DNA testing as proof of blood relationship in most cases. Furthermore, the implementation of the new unified registration system of newly arrived population within the RIC of Fylakio, through its registrars' task force, by completing a nine-page registration form, still causes concerns, as in some cases the Dublin Unit in Athens contacted the RAO of Fylakio and expressed worries about the problematics arising by the new form. The Direction of the RIC and the registers declared that they are trying to find solution for their proper training, under the directions of the RAO, but they insist that it will be extremely difficult when the arrivals will increase.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Following the incidents at the land borders of Evros on 27th of February 2020, the suspension of asylum applications that was immediately applied by an urgent legislative act for individuals who entered Greece illegally and were arrested by the Greek authorities afterMarch1st, 2020, depriving these people of the right to express their will to apply for asylum, was a clear-cut violation of EU law and the UN convention on refugees; combined with the heavy militatizarion of the border zone, it led to very low arrivals through the Evros region during March and April of 2020. Specifically, in March there were approximately 350 arrivals through land borders, most of them arrested by the police forces of Alexandroupolis (approx. 190), of Orestiada (approx. 100), of Komotini (approx. 25) and by the coast guard(approx. 35). Main Countries of Origin of those people were: Turkey: 40%, Afghanistan: 40%, Iran : 10%, Syria : 10%. The most vulnerable cases concerned families from Syria or Afghanistan or people from Turkey. None of them had the right to express their will to apply for asylum due to the current legislative act. Many families from Syria or Afghanistan are still detained at the PRDC of Fylakio with their minors, awaiting their transfer to the camps of Malakasa or Serres. Single men were transferred to the PRDC of Paranesti Drama or Xanthi. Since they were not asylum seekers, they had been given a deportation notice. For some of them there was already a trial pending, while for others a trial is expected to take place for illegal entrance into the country.
The Covid-19 outbreak complicated the situation. Direct and strict measures taken against COVID-19 by the Greek government, subsequently led the Greek asylum service to decide a suspension of all services to the public initially from March13th,2020 till April10th,2020, in order to protect public health and limit the further dissemination of virus COVID-19. Finally, the suspension was extended until May15th,2020. During this period, no registrations or asylum interviews will take place, neither notifications of asylum decisions or files of appeals. Because of the suspension of the asylum applications, applied by the legislative act for individuals who entered Greece illegally and were arrested by the Greek authorities afterMarch1st,2020,as well as the direct and strict measures taken against COVID-19 by the Greek government, the RIC did not accept newly

arrived people within the premises until May10th.Moreover and during this period, there were, approximately 133 people in detention at the Pre-removal Detention Center in Fylakio(PRDC) with a capacity of 374 people, assuring that as for now no overcrowding situation exists. Due to the measures taken against COVID-19 by the Greek government, the access of the NGOs and their Lawyers to the premises of the PRDC and the detainees has temporarily been suspended till further notice. The official reply of the director of the PRDC, to relevant requests by members of the NGO's that are active at the field was the following: "Visits of NGOs or individuals to police and detention centers as well as their actions are suspended till further notice. Access is allowed only to those who work there... As an exception, in special cases where the physical communication of lawyers with detainees is required, and these cases need to be adequately justified, telephone contact with the director of the detention center is a prerequisite, regarding the approval or not of contacting detainees." Therefore, UNHCR is the only organization that has limited access within the premises and the detainees of the PRDC. Even before the above suspension, the members of the NGO's and Lawyers had to provide an early notice, at least 3 days before the visit, in order to get an access approval and meet with the detainees.

Prioritized procedures for vulnerable persons:

During the reporting period and given also the 2-month suspension of the operation of the Asylum Service due to Covid-19 pandemic on spring 2020 and the delays that inevitably occurred in the whole asylum procedures, great delays were observed as regards the requests for prioritization of the full registration of vulnerable cases. In particular, apart from the significant delays in responding to requests, the given appointments for registration, in cases where requests were accepted, were much later (even after several months). As a result, vulnerable asylum seekers did not have direct access to medical care, since only after the full registration of their asylum application did they obtain an Asylum Seeker Card with PAAPA number. In addition, the selection of vulnerable cases by the Asylum Service did not follow strict criteria as to which vulnerable cases would be accepted for prioritization, without giving specific justification in cases of their rejection.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions - housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

Lock down measures due to COVID-19 and the mass transportation of recognized refugees from the islands to the mainland have made the Open Accommodation Facilities overcrowded for over a year. Recognized refugees are living in tents with substantial hygiene conditions. Additionally, extreme weather conditions during 2020 and early 2021 have severely influenced the inappropriate living conditions (floods, snow, mud). Prevention measures have been occasionally taken and PoCs were transferred to shelters.

Under the COVID-19 protection measures there are additional restrictions for Open Accommodation Facilities' residents regarding movement to community

(only a short percentage, 10% -15% of persons could exit the camp) from March 2020 till June 2020.
Access to health services has been increased as the National Organisation for Public Health (EODY) has increased its capacity in camps. Accessibility to hospital services was and still is hindered by the new Temporary Number of Social Security for Third Country Nationals (PAAYPA) who substituted the Registry Number for Social Security (AMKA) for asylum seekers. Interchanging processes among public digital systems didn't permit to asylum seekers and newly recognized refugees (with pending residence permit) to have access to their number, registrations to hospitals was impossible and access to the labour market was also hindered. These issues seem to be smoothing and solving but there are still issues despite the fact that access has been changed since July 2019 and access was re-gained with the law 4636/2019 in November 2019 with immediate implementation for PAAYPA. Translation services have also been limited and non -Greek/English speakers was challenging to communicate with health professionals.
COVID-19 restriction and protection measures have limited the opportunities in access to the education system for both children and adults. Lack of digital equipment to access e-classes and lack of access to Wi-Fi signals in both camps and ESTIA apartments, were the main challenges for the school-based population. At the beginning of school year 2020-2021, children living in some camps continued having problems accessing schooling due to lack of school buses. Another issue is that vocational high School students starting 2020 were required to have Taxisnet codes in order to enroll which had created additional problems to asylum seekers due to bureaucratic delays in issuing tax and social security numbers.
Vocational training programmes (EPAS OAED) were also difficult to be accessed as young PoCs couldn't register to the vocational training schools due to lack of proof of knowledge of the Greek language and the non-participation to the year 7 in public schools. Public post-secondary vocational training programmes (IEK) couldn't also register PoCs due to lack of a Greek secondary school Baccalaureate (Apolytirion Lykeiou). Vocational programmes and trainings from private bodies/organisations that accepted PoCs have been limited to only those that could be transferred online due to COVID-19 protection measures. Programmes in the Open Accommodation Centres for Greek language courses could not support the amount of adult residents. Once again, there were not available Greek language classes in the urban sector and Civil society programmes were limited to support both the number and the different learning styles of potential students.
Regarding access to employment, new International Protection applicants, according to the new Law 4636/2019 need to wait for 6 months since the issuance of their International Protection Applicant Cards (that substitutes ID cards) until they have the right to work. COVID-19 protection measures have automatically renewed International Protection Applicant Cards but the digital systems has considered that they have been expired, cancelling social security numbers. Also, the necessary written mention was not written due these automatic renewals and employers have been hesitant to hire asylum seekers despite that official ministry announcements have been published. Delays to issuing relevant administration papers was created due to the necessity of physical presence to tax offices to verify the authenticity of documents, whereas Greek nationals have the availability to complete procedures online.
Regarding the Cash Assistance programme, delays for up to 4-6 months to newly registered asylum seekers were identified. Access to free transportation. Subsidy of free transportation with public transportation in Athens, was not accessible due to non-recognition of PAAYPA number from the digital system.

7. Detention of applicants for international protection (including detention capacity – increase /decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Law 4636/2019 which entered into force on 1st January 2020 was generally introduced the widespread imposition of the administrative detention of asylum seekers over long periods of time, even for vulnerable persons, on contrary to the Directive according to which this measure should only be imposed as an exceptional measure of last resort with the minimum possible duration. In particular, art.46 of the Law provides that asylum seekers can be detained under certain conditions, while the maximum detention limit increased from 3 to 18 months, without counting any previous time spent in detention under return procedures. Furthermore, according to art. 20 of L. 4686/2020, in case of rejection of an appeal the rejected asylum seeker (unaccompanied minors are exempted) is detained at a Pre-Removal Detention Center until the completion of the removal procedure or the issuance of a final positive decision. In fact, in the vast majority of cases of detention during the reporting period, there was no prior -even rapid- assessment of the vulnerability and special needs of each individual as required by both the European Directive and Greek law. It is, however, worth-mentioning that the necessity of an individualized assessment prior to the imposition of administrative detention and as well the common assumption of the need of decongestion of the detention centers which had already reached their maximum capacity, had been identified from the Lower-tier personnel of the Greek Police which could not, however, influence the political willing. Moreover, despite HumanRights360's and other NGOs' efforts to persuade the competent authorities to adopt vital measures to protect persons in administrative detention and our recommendations to the Police authorities to avoid detaining migrants/persons who are under return procedures during the COVID-19 outbreak, in line with UN recommendations[5], the authorities did not make any change to their practices within the reporting period. On contrary, during our visit at the Pre-Removal Detention Center of Amygdaleza in Athens on 15th of September, the Police officials admitted that the situation in the Center is becoming more and more difficult to manage, given also the conditions due to the pandemic. Specifically, at the day of the visit the number of detainees -including Unaccompanied Minors detained under protective custody- was quite increased. Further to this, according to the Police Officer a new separate wing was recently established in the Center, where all Covid-19 patients from the Center as well as from all the Police Stations in Attica region would be transferred. However, the number of persons remaining in this wing was vague since, according to him, just few days before our visit there were 20 detainees there while at the day of our visit there was only 1. Also, no official data either for the number of detained Covid-19 patients or the treatment and the protocol they follow was available. In addition, there was no available information on the number of vulnerable cases detained at the Center (families, single women, unaccompanied minors), so it was not possible to have a clear picture of the needs and the existing situation. Furthermore, the fact that detention conditions remain poor and people are detained for long periods of time is also described in a relevant publication of the activist group "To Mωβ" [6], according to which 3 women (2 asylum seekers and 1 recognized refugee) detainees attempted suicide in Amygdaleza from October to November 2020.{.....} *"Unfortunately, we*

[5] https://picum.org/covid-19migrantsineurope/
[6] https://tomov.gr/2020/10/29/amygdaleza (available in Greek)

find that detainees' despair is growing dangerously in the current inhuman system of administrative detention. It is indicative that three detainees attempted suicide last week, no longer enduring this situation{…}. At the same time, it is particularly worrying that many detainees remained in Police Stations, under completely unsuitable conditions for long-term detention and without the possibility of yarding and access to basic rights, for long periods of time, even more than 6 months. In fact, according to unofficial communications with the authorities, there was no provision for their immediate transfer to Pre-Removal Detention Centers, as there was no capacity. In addition, all the objections submitted to the competent Attica Aliens Police Directorate on this issue were rejected without any specific justification, essentially repeating the content of the decisions imposing the detention measure. In fact, there were detainees who, after remaining for months in a Police Station, were transferred to other Police Stations depending on their capacity, a practice that carries many risks for the enjoyment of their fundamental rights, the development of their asylum applications as well as for the possibility of constant and stable monitoring of their case and needs. Specifically, a 23 y.o. Afghan had remained in a Police Station in Attica for 2,5 months before HumanRights360 undertake his case. His willingness to apply for asylum had not been registered by the Police, despite his repetitive relevant requests, a very concerning practice given that this person was detained in view of return and could be returned to a country where his life would be at risk. Only after our communications both to the Police Station as well as to Attica Directorate of Aliens his will was officially registered. Moreover, due to the lack of capacity to a Pre-Removal Detention Center, the person was finally transferred for few days to another Police Station and then he was finally released after total 3,5 months in detention, under the condition to continue immediately the full registration of his asylum procedure before the Asylum Service. This case clearly showed the existing implemented practices in the Police Stations, where in many cases the will of the detainees to apply for asylum is delayed for a very long time, in violation of the law[7], according to which the Competent Detention Authorities ensure the immediate submission of a written relevant statement. In addition, it seems to be a significant lack of training of police officers on the procedure that should be followed after the expression of this willingness, while the maximum period of 7 days set by law[8] for the full registration of the request for international protection by the Asylum Service is not observed as well.In another case, an Afghan recognized refugee in Greece remained under administrative detention in view of return for 5 months as dangerous for public order, although he did not have any final conviction from the Greek Courts and given that the administrative detention of recognized refugees is not provided by the Greek legislation. Our appeal to the Administrative Court against his detention was finally accepted and he was immediately released. Moreover, the Pre-Removal Detention Center of Fylakio Orestiada at Evros Borders has suspended its operation since September of 2020, as it is being re-constructed. Applicants of International protection are being held at Police Patrol Stations. Syrian citizens who do not apply for asylum procedures, are being transferred to other Pre-Removal Detention Center*s.*

In addition, during the previous period and despite the constant pressure both by organizations that act in the field, among which HumanRights360, and by institutions, as the Greek Ombudsman, concerning the misuse in the application of protective custody, there was no effort by the Greek state to remedy the violations. “Protective custody” continued being applied as the rule and not exceptionally, with minors being subjected to harsh conditions of liberty

[7] art. 6, L. 4686/20 which amended art. 65, L. 4636/19
[8] art. 6, L. 4686/20 which amended art. 65, L. 4636/19

deprivation, despite the unconstitutionality of the provision, contrasted to article 5 paragraphs 4 of the Hellenic Constitution and articles 4 & 5 of the European Convention of Human Rights. In addition, no evaluation of the best interest of the minor was held before or during the detention, in violation to the Convention on the Rights of the Child. The person under “protective custody” cannot exercise the right to a hearing before its imposition and is not provided with legal support so as to question the administrative measure against them, which has no maximum time limit. The Greek State, following a series of convictions by the European Court of Human Rights and being already under supervision for relevant decisions proceeded to the deletion of article 118 of the Presidential Decree 141/1991, regarding “protective custody’ of unaccompanied minors and introduced a new provision with article 43 of Law 4760/2020, which was applied on 11th of December 2020. At the same time, the Special Secretariat for the protection of Unaccompanied Minors, Irene Agapidaki, committed for the immediate referral of the UASCs from the RICs and police stations, to appropriate accommodation facilities for minors and announced the intention for their immediate registration from the first day of their entry to the RIC, unlike the current practice that is to be registered after spending 14 days in quarantine, because of Covid-19 measures. However, the provision of article 43 of Law 4760/2020 regarding the abolishment of protective custody does not clarify the legal status of the unaccompanied minors which are currently present at the RIC of Fylakio and continue to stay there until the placement to a suitable shelter is completed. The problematic arises especially, when the obligatory 14-day quarantine is applied as measure against the spread of Covid19 and the procedures of the RIC follow under the new unified registration system, in anticipation of the placement to appropriate accommodation facilities. In most cases like these, unaccompanied minors stay at the RIC of Fylakio way more than 25-day time in which the procedures are supposed to be completed. On the certificates that are granted by the Secretary of the RIC, in order to be presented to the Appeal Committee of the Appeals Authority to justify the non-personal appearance of the unaccompanied minor in the proceedings of their appeal, is certified their residency inside the RIC, without mentioning their legal status.Undeniably, the abolishment of protective custody is a positive development aiming to ensure UASCs’ best interest. It is of great importance though, to investigate on the manner in which this new amendment will be applied in practice. It is to be noted, that although the Greek Government on the 30th of November 2020 and according to the explanatory memorandum of the article that abolishes protective custody stipulates clearly and in a comprehensive manner the problematic issues of deprivation of a safe or known residence for UASCs justifies its abolishment to a set of convictions of our country by the European Court of Human Rights. The latter creates the impression that the state acknowledges the problematic situation and tolerates the violation of UASCs’ rights without taking any measure to restore the compliance with law except where otherwise “forced” for by European Institutions. In particular, it is stipulated in the explanatory memorandum regarding the abolishment of protective custody that a) the conditions of custody are equivalent to detention conditions b) police stations and Pre-Removal Detention Centers are unsuitable for minors c) during custody in these places fundamental human rights are being violated d) it is not Police’s jurisdiction to solve the problem of unaccompanied minors’ shelter and e) that our country has already been convicted by the European Court of Human Rights and has received severe criticism for applying this measure to unaccompanied minors, confirming all the above mentioned observations and reservations regarding the implementation of this new provision.

8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management - including backlog management)

In accordance to article 5 of Law 4686/2020 (Government Gazette A '96 / 12.05.2020), a second paragraph has been added in point d' of article 63 of Law 4636/2019, where it is provided that: "For the full registration of applications for international protection, submitted by third-country nationals or stateless persons in accordance with the more specific provisions of paragraph 7 of Article 65 hereof, "Competent Receiving Authorities" may also be the Regional Reception and Identification Services ". With article 6 of Law 4686/2020, a very important article of Law 4636/2019 was amended, and specifically article 65, as follows: “par. 2 .: In case, for any reason, it is not possible for a full registration, in accordance with paragraph 1, following a decision of the Director of the Asylum Service, the Receiving Authorities may proceed, no later than three (3) working days from the submission of the application, to a simple registration of the minimum necessary data, including the language in which he wishes to have his application examined and then to complete the full registration of paragraph 1, on a specific date, of which the applicant is informed and which may not be more than fifteen (15) working days from the simple registration of the application ... ". «Par. 7.a .: A third-country national or stateless person may file an application for international protection, while subject to the Reception and Identification procedures of paragraph 4 of article 39 hereof, acting in a regime of restriction of liberty within the Reception and Identification Center. The application may be submitted before the Regional Reception and Identification Authorities, which shall immediately carry out a full registration in accordance with the provisions of paragraph 1 hereof ". As per October 16th, 2020, the implementation of the new unified registration system of the newly arrived population has been implemented. The Reception and Identification Service, through its registrars' task force, is responsible from now on for completing a two-page registration form adapted to RIC’s procedures and a seven-page form, adapted to the asylum procedures. From the very beginning of the application of the unified registration system at the RIC Fylakio, Orestiada, many problems occurred mainly related to the unqualified personnel deployed to undertake the registration procedures. Moreover, another problematic issue is the introduction of a nine-page form which content refers to Border Procedures of Article 90 of Law 4636/2019 (Article 43 of Directive 2013/32 / EU) and not to RIC’s of Fylakio, raising serious questions about the proper application of the law. The general problematics of this unified registration system, with the extremely short deadlines provided, were reflected immediately and at the RIC of the islands, the majority of which have not implemented them up to now.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management - including backlog management)

Regarding the obligation of asylum seekers to be present in person at the Appeals Authority:

In relation to the persons residing in Open Reception Facilities (ORFs), while the law stipulates[9] that they are not obliged to be present in person at the Appeals Authority on the date of examination if they have sent a certificate from the ORFs Administration that they reside there, however there were significant delays in its issuance. For example, in the case of a person living in Eleonas, the certificate was issued to the person only after our own communications with and written request to the Administration of the ORF, a fact that can easily demonstrate the difficulty that applicants need to face in order to be consistent with their obligations. The Registry of the Greek Asylum Service for Lawyers, of the Ministry for Migration Policy, providing legal aid to asylum seekers, in the frame of the administrative procedure at the second instance upon the Appeal Authorities, has recently hired a significant number of lawyers, pending to its implementation.

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

On 21September, after the campfire at the RIC of Moria, which took place on the island of Lesvos, and following an urgent request from Irene Agapidaki, the Special Secretary for the Protection of UASC's, the National Public Health Organization (NPHO) delivered, 200 COVID-19 rapid tests within the RIC of Fylakio. 104 UASCs were tested in a few days with the goal of transferring them to shelters in the mainland, mainly those operated by the International Organization for Migration (IOM). All of them tested negative to COVID-19 and within one week 101 UASCs were transferred to safe shelters; 3 UASCs remained at the RIC with their caregivers and relatives, in anticipation of the local prosecutor's decision concerning their guardianship procedure. Ms Agapidaki stated that the UASCs would be temporarily hosted at these emergency shelters and very soon they would be either transferred to more suitable shelters, transferred to other countries through the Relocation Program or reunified with their families according to the Dublin III regulation. Moreover, in the light of the unified registration (par. 8), in combination with the absence of guardians after the termination of the program of the network of guardians of METAdrasis in March 2020, a serious issue arose regarding the representation of unaccompanied minors under 15 years, upon the reception and identification procedures. The gap in the possibility of entrusting the exercise of the guardianship to legally suitable persons, in order to represent and ensure the best interest and the overall well-being of the minors entering the RIC, was temporarily filled by the child protection organizations (HR360, Arsis). These organizations, through their lawyers, undertook to obtain a relevant legal authorization by the Prosecutor of the Court of First Instance of Orestiada, as a

[9] art. 11, L. 4686/20 which amended art. 78, L. 4636/19

temporary Guardian of minors, in order to sign on behalf of the minors under 15 years, during their reunified registration at the RIC of Fylakio. It soon became clear that the best interest of these minors was in jeopardy because of the extreme speed of the proceedings, which the lawyers of the organizations were called upon to cover, as legal representatives of the children, but also of the gaps and ambiguities in the new registration forms. Undoubtedly, it was found that at this stage there was not enough time to fully inform the minor in order to understand the procedures for submitting a request for international protection not least to collect the necessary documents to complete the registration with the correct and accurate details of each minor and submit a family reunification application. Furthermore, there was a serious concern about the dual role of NGO's lawyers (Guardian-Lawyer), as the role of lawyers undoubtedly cannot and should not be equated with the role of a guardian, who, among other things, receives appropriate training for their role, in order to approach the needs of minors in a holistically way. Therefore, in a joint letter to the director of the RIC, the two organizations expressed all their concerns about this practice, stated that they are not willing to continue replacing guardian's' absence recommending proposals to address the issue until the implementation of Law 4554 /2018 or the resumption of a relevant program of METAdrasis' guardianship network. Indicatively, it was proposed that the Prosecutor of the Court of First Instance of Orestiada could authorize the psychosocial staff of the NPHO, as specialized professionals that are able to have a more complete medical and psychosocial view or authorize the Juvenile Bailiff of the Court of First Instance of Orestiada to represent the minors upon the reception and identification procedures.In that context, UASCs under the age of 15 within the RIC Fylakio of Orestiada are unable to be subject to both the reception and identification procedures, as well as asylum procedures before the RAO. Moreover, due to the absence of an authorized guardian to represent them and sign on their behalf failing to be placed in appropriate shelter structures. In view of this emergency, it was announced at the beginning of January 2021, the resumption of the program of the guardianship network of METAdrasis and the deployment of two guardians to the RIC for 8months. In anticipation of the new guardians whose arrival is estimated to be delayed, the arrival of one guardian with an extraordinary mission for a single day was achieved, in order to record and meet the needs that arose especially for unaccompanied minors under 15 years.

12. Content of protection (including access to social security, social assistance, healthcare, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Covid-19 has affected schooling during the lockdowns in Greece. Students had to have access to internet and a laptop/tablet in order to continue their classes online and this has been problematic for many asylum seekers and refugees. Vocational High School students starting 2020 were required to have Taxisnet codes in order to enroll which had created additional problems to asylum seekers due to bureaucratic delays in issuing tax and social

security numbers. Non formal education was also affected due to Covid-19 since various stakeholders could not cover the increased needs of asylum seekers and recognized refugees who wished to participate either in person or online for language classes.
The discriminatory interpretation by the Greek authorities of the policies adopted to limit the spread of COVID-19 have resulted to exclusion of refugee children from the formal education system. At the same time, during periods of quarantine, the lack of support for these children for distance education, since the structures where they reside lack the necessary material and technical infrastructure, leads to their additional exclusion from the educational process. In addition, in several parts of the country there are other problems, such as inability to transport children to their schools, understaffing and dysfunction of reception classes, insufficient number of places in schools and kindergartens, problems and arbitrariness of school authorities and of local communities reacting to the prospect of children participating in compulsory school education.

In terms of employment many asylum seekers and recognized refugees were at risk of losing their jobs during the lockdowns since their ID's appeared as expired. Beneficiaries had to produce to their employers the relevant asylum office decisions informing the public that asylum seeker and residence permits were renewed which added an extra layer of difficulty. The job market in Greece was gravely affected by the pandemic with unemployment rates skyrocketing and this has adversely affected asylum seekers and recognized refugees. Additionally to the aforementioned difficulties in part 6, access to the labour market for recognizing refugees are the delays of issuance of their Residence Permit cards, the lack of issuance of their Social Security number (AMKA), the delays of having to issue administration papers, discriminatory incidents of asking employment agreement to issue a former Registry number of Social Security from public servants (despite the fact that typically has been inter placed by AMKA, employers and the digital registration system of employees is asked AMA IKA). COVID-19 protection measures have automatically renewed International Protection Applicant Cards and Residence Permits but the digital systems have considered that they have been expired, cancelling social security numbers.
Furthermore, delays to issuing relevant administration papers was created due to the necessity of physical presence to tax offices to verify the authenticity of documents, whereas Greek nationals have the availability to complete procedures online.
In terms of housing during 2020 a high number of recognized refuges seized being eligible for housing in camps and ESTIA apartments and were required to vacate the premises. This led to an increase of homelessness with the problem being specifically concentrated in major squares in Athens (Victoria, Amerikis etc). A very large number of recognized refuges that lost housing eligibility in the camps and ESTIA apartments became non-compliant refusing to vacate the premises. Recognized refugees were required to register with Helios project run by IOM, however securing a house contract before receiving subsides through the Helios project was highly problematic and a low number of recognized refugees managed to get the subsidy from IOM. Lack of knowledge of the property landscape in Athens, supportive network, knowledge of the Greek language to communicate with the Greek landlords and difficulties in issuing the necessary administration papers, made accessibility to the Helios Project extremely challenging, promoting homelessness.

13. Return of former applicants for international protection

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

The strict case handling by most of Dublin countries, lead to a significant number of rejections of the UASC's requests within the RIC of Fylakio, whose one last chance to be transferred to another European country is to participate in the Relocation program. The Relocation Program is an agreement between EASO and the Greek Government that allows the transfer of 1,600 UASCs from Greece to other EU Member states. The Greek Operating Plan was established by EASO and the Greek Government on 12 May 2020. Caseworkers of EASO, alongside members of the Guardianship Network for Unaccompanied Minors of METAdrasi, visited the RIC of Fylakio on the 29th of June to conduct the necessary interviews and Best Interest Assessments (BIA) of the eligible UASCs for the relocation program. In total, 38 interviews and BIAs were conducted the program's completion in the first week of August. Concerning the 16 UASCs who participated in the protest at the RIC at Fylakio, even though they were eligible for the Relocation program, they were not allowed to be selected. It is against the protocol to conduct interviews or BIA reports to people who are under penal investigation and as those children had the police charges against them, they were automatically disqualified. Even though a significant number of families and minors with severe health problems are being transferred out of the Aegean islands to other European Countries there is no news any additional relocation programs from the RIC at Fylakio. (in conjunction with par.4)

16. National jurisprudence on international protection in 2020 (please include a link to the relevant case law and/or submit cases to the EASO Case Law Database)

The long-term violation of unaccompanied minors' rights, who, by customary practice of the authorities, remain in "protective custody," even in police stations, for an indeterminate period of time due to "lack of shelters" led, once more, to a series of convictions of our country by the European Court of Human Rights. Specifically, the court held that the stay of unaccompanied minors in "protective custody" constitutes among others, violation (a) of Article 3 of the European Convention on Human Rights about prohibition of inhuman or degrading treatment, as the conditions of detention of the applicants (unaccompanied minors) in various police stations amounted to degrading

treatment, observing that police stations “possessed certain features liable to produce feelings of isolation among detainees (…) and they were not suited to the requirements of extended periods of imprisonment (Kaja against Greece) article 32927/03 par. 49, 27th of July 2006 (…) with potentially negative consequences both to physical and mental health. (Efremidze, as mentioned above § 41). (…), that the detention at police stations is (or should be) for relatively short periods and that people who are detained for time period of 24 hours or more, should have, to the extent possible, everyday exercise in open space (in this context COE recommendations upon detention cases by the police, paragraph 139 and HA and others against Greece, ECtHR decision of 28.2.2019, paragraph 168) and (b) of Article 5 paragraph 1 of European Convention on Human Rights about the right to liberty and security. The court reminded that while “States are entitled to restrict the freedom of potential immigrants in the context of migration control” (Saadi against United Kingdom [GV] § 43, CEDH 2008, Khlaifia and others against Italy [GC] article 16483/12 § 89, 15 December 2016), “this right must be exercised in accordance with the provisions of Convention (…)” and “every deprivation of freedom should be in accordance with the cause which is the protection of the person against arbitrariness. (Gebremedhin [Gaberamadhien] against France, article 25389/05, § 74, CEDH 2007-II, Saadi, as mentioned above § 67), “place and conditions of detention should be suitable”. There must be a relationship between the ground for permitted deprivation of liberty relied on the place and conditions of detention. The Court takes into consideration that the detention measures are applied to foreign nationals, who might have not committed any offense, besides those related to unauthorized residence. Furthermore, the duration of the measure should not exceed the reasonable and necessary duration that is needed to achieve the purpose (Kanagaratnam and others against Belgium article 15297/09 § 84,13 December 2011) (…). To this is added the obligation of the States, by article 3 of the United Nations Convention on the Rights of the child of 20th November 1989, to take the best interest of the child into account as a primary consideration in all actions or decisions that concern her/him. Taking all the above into consideration, the Court concluded that “the detention of the applicants was not regular (régulière) according to article 5 par. 1 of the Convention and that there was a breach of this provision (H.A and others against Greece, ECtHR of 28.2.2019 par. 195-208).

17. Other important developments in 2020

The Ministry of Migration and Asylum, upon Evros’ region incidents on February 2020, combined with the increasing number of boat arrivals on the islands of the eastern Aegean sea, subsequently announced the creation of a detention center for immigrants and refugees at Kleidi of Serres town, an area located near the Greek-Bulgarian borders, triggering severe complains from the Bulgarian side. The Bulgarian Foreign Minister Krasimir Karakachanov posted on his Facebook profile that “Accommodation of illegal migrants near our borders from the Greek side is a prerequisitefor additional tension.. and he stated emphatically that“The Bulgarian Army is ready, and I guarantee that I will not allow a new wave of migrants into the country”, referring to fears that these migrants could somehow cross over and enter Bulgarian territory. In accordance to the general European anti-immigrant policy, the main purpose of this political decision was the new closed center to be utilized as a temporary host structure for those who entered the country illegally sinceMarch1st, through Evros region and the Greek islands. Deprived of their right to apply for international protection, following the Ministry

of Citizen Protection's statute, they would be hosted for a restricted time period before being deported back to their country of origin. On March 21st, 2020, the first 300 refugees and immigrants, mostly families and vulnerable individuals, were transferred from the islands to the closed camp of Kleidi, while the transfer of people who entered Greece through Evros region is still pending. The living conditions for those people within the center were improper and inhumane, infringing their dignity and totally violating their human rights. They were forced to live in plastic tents without heat and electricity, while they could not receive any kind of legal or social care support, appropriate nutrition or material goods. The police are the main responsible agency of the center, operating under the umbrella of the strict measures applied now, due to COVID-19 pandemic. Representatives of international aid community, such as IOM and ICRC, only recently managed to ensure constant presence and operation within the center by providing humanitarian aid, while other NGOs are not allowed to enter the center yet. There is still a significant need for social and material support as well as protection from practices that undermine refugees' social and civil rights.
On 15th of September a remarkable incident took place near the borders, at Feres Evros. One 32-year-old cattle breeder filed a lawsuit against 5 Turkish national asylum seekers (2 men and 3 women who were traveling together with 3 minors) for attack. The cattle breeder claimed that he was trying to "surrender" them to the police. The asylum seekers stated that he threatened them with a gun and caused them injuries. It is said that the gun discharged twice. The asylum seekers did not file lawsuit against the Greek cattle breeder. The prosecutor pressed charges against the cattle breeder for illegal physical violence with racist characteristics based on the anti-racist law and against the asylum seekers for illegal entry and illegal violence. The cattle breeder received a 26-month suspended sentence without mitigating circumstances and the two Turkish men a 14-month suspended sentence for illegal entrance and illegal violence while the three women were found non-guilty. This trial had a huge impact on the local community as the farm breeder's colleagues and local authorities protested against the court's decision, indicating targeting against asylum seekers and lawyers defending them. It has to be mentioned that the lawyer who defended the Turkish people and the judge was verbally attacked by the gathered crow outside the court.

References and sources

18. Please provide links to references and sources and/or upload the related material in PDF format

https://www.humanrights360.org/the-european-and-national-asylum-policy-at-the-land-borders-of-evros/

https://www.humanrights360.org/el/koini-dilosi-6-organoseon-schetika-me-tis-praktikes-ton-paranomon-epanaproothiseon-stin-ellada/

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https://www.humanrights360.org/el/international-complaint-against-greece-s-violent-pushbacks-at-the-evros-border/?fbclid=IwAR0yRdukoQ0sj5GwENm470DJPIrr9B_M4WJnqDweO8bkq8XEj6HC6D5OyDc

https://forensic-architecture.org/investigation/evros-situated-testimony

19. Feedback or suggestions about the process or format for submissions to the EASO Asylum Report

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